



January 31, 2003

HOUSE BILL No. 1358

DIGEST OF HB 1358 (Updated January 29, 2003 11:31 AM - DI 107)

Citations Affected: IC 35-41; IC 35-42; IC 35-45; noncode.

Synopsis: Community policing volunteers. Defines "community policing volunteer" as a person who is actively participating in a plan, system, or strategy: (1) established by and conducted under the authority of a law enforcement agency; and (2) in which citizens work with members of the law enforcement agency to reduce or prevent crime within a defined geographic area. Increases the penalties for battery and intimidation if the victim is a community policing volunteer.

Effective: July 1, 2003.

Smith V, Klinker

January 14, 2003, read first time and referred to Committee on Judiciary.
January 30, 2003, amended, reported — Do Pass.

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HB 1358—LS 6189/DI 69+



January 31, 2003

First Regular Session 113th General Assembly (2003)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2002 Regular or Special Session of the General Assembly.

HOUSE BILL No. 1358

A BILL FOR AN ACT to amend the Indiana Code concerning criminal law and procedure.

Be it enacted by the General Assembly of the State of Indiana:

1 SECTION 1. IC 35-41-1-4.7 IS ADDED TO THE INDIANA CODE
2 AS **NEW** SECTION TO READ AS FOLLOWS [EFFECTIVE JULY
3 1, 2003]: **Sec. 4.7. "Community policing volunteer" means a person**
4 **who is:**

5 (1) **not a law enforcement officer; and**

6 (2) **actively participating in a plan, system, or strategy:**

7 (A) **established by and conducted under the authority of a**
8 **law enforcement agency; and**

9 (B) **in which citizens:**

10 (i) **participate with and are guided by the law**
11 **enforcement agency; and**

12 (ii) **work with members of the law enforcement agency to**
13 **reduce or prevent crime within a defined geographic**
14 **area.**

15 SECTION 2. IC 35-42-2-1, AS AMENDED BY P.L.222-2001,
16 SECTION 4, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
17 JULY 1, 2003]: Sec. 1. (a) A person who knowingly or intentionally

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touches another person in a rude, insolent, or angry manner commits battery, a Class B misdemeanor. However, the offense is:

(1) a Class A misdemeanor if:

(A) it results in bodily injury to any other person;

(B) it is committed against a law enforcement officer or against a person summoned and directed by the officer while the officer is engaged in the execution of his official duty;

(C) it is committed against an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty; ~~or~~

(D) it is committed against a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty; **or**

(E) it is committed against a community policing volunteer:

(i) while the volunteer is performing the duties described in IC 35-41-1-4.7; or

(ii) because the person is a community policing volunteer;

(2) a Class D felony if it results in bodily injury to:

(A) a law enforcement officer or a person summoned and directed by a law enforcement officer while the officer is engaged in the execution of his official duty;

(B) a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age;

(C) a person of any age who is mentally or physically disabled and is committed by a person having the care of the mentally or physically disabled person, whether the care is assumed voluntarily or because of a legal obligation;

(D) the other person and the person who commits the battery was previously convicted of a battery in which the victim was the other person;

(E) an endangered adult (as defined by IC 35-46-1-1);

(F) an employee of the department of correction while the employee is engaged in the execution of the employee's official duty;

(G) an employee of a school corporation while the employee is engaged in the execution of the employee's official duty;

(H) a correctional professional while the correctional professional is engaged in the execution of the correctional professional's official duty;



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(I) a person who is a health care provider (as defined in IC 16-18-2-163) while the health care provider is engaged in the execution of the health care provider's official duty;

(J) an employee of a penal facility or a juvenile detention facility (as defined in IC 31-9-2-71) while the employee is engaged in the execution of the employee's official duty; ~~or~~

(K) a firefighter (as defined in IC 9-18-34-1) while the firefighter is engaged in the execution of the firefighter's official duty; **or**

(L) a community policing volunteer;

(3) a Class C felony if it results in serious bodily injury to any other person or if it is committed by means of a deadly weapon;

(4) a Class B felony if it results in serious bodily injury to a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age; and

(5) a Class A felony if it results in the death of a person less than fourteen (14) years of age and is committed by a person at least eighteen (18) years of age.

(b) For purposes of this section:

(1) "law enforcement officer" includes an alcoholic beverage enforcement officer; and

(2) "correctional professional" means a:

(A) probation officer;

(B) parole officer;

(C) community corrections worker; or

(D) home detention officer.

SECTION 3. IC 35-45-2-1, AS AMENDED BY P.L.241-2001, SECTION 3, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2003]: Sec. 1. (a) A person who communicates a threat to another person, with the intent:

(1) that the other person engage in conduct against the other person's will;

(2) that the other person be placed in fear of retaliation for a prior lawful act; or

(3) of causing:

(A) a dwelling, a building, or another structure; or

(B) a vehicle;

to be evacuated;

commits intimidation, a Class A misdemeanor.

(b) However, the offense is a:

(1) Class D felony if:

(A) the threat is to commit a forcible felony;

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- 1 (B) the person to whom the threat is communicated:
 2 (i) is a law enforcement officer;
 3 (ii) is a judge or bailiff of any court;
 4 (iii) is a witness (or the spouse or child of a witness) in any
 5 pending criminal proceeding against the person making the
 6 threat; ~~or~~
 7 (iv) is an employee of a school corporation; **or**
 8 **(v) is a community policing volunteer;**
 9 (C) the person has a prior unrelated conviction for an offense
 10 under this section concerning the same victim; or
 11 (D) the threat is communicated using property, including
 12 electronic equipment or systems, of a school corporation or
 13 other governmental entity; and
 14 (2) Class C felony if, while committing it, the person draws or
 15 uses a deadly weapon.
 16 (c) "Threat" means an expression, by words or action, of an
 17 intention to:
 18 (1) unlawfully injure the person threatened or another person, or
 19 damage property;
 20 (2) unlawfully subject a person to physical confinement or
 21 restraint;
 22 (3) commit a crime;
 23 (4) unlawfully withhold official action, or cause such withholding;
 24 (5) unlawfully withhold testimony or information with respect to
 25 another person's legal claim or defense, except for a reasonable
 26 claim for witness fees or expenses;
 27 (6) expose the person threatened to hatred, contempt, disgrace, or
 28 ridicule;
 29 (7) falsely harm the credit or business reputation of the person
 30 threatened; or
 31 (8) cause the evacuation of a dwelling, a building, another
 32 structure, or a vehicle.
 33 SECTION 4. [EFFECTIVE JULY 1, 2003] **This act applies only to**
 34 **crimes committed after June 30, 2003.**

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COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1358, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 2, line 16, delete "volunteer;" and insert "**volunteer:**

(i) while the volunteer is performing the duties described in IC 35-41-1-4.7; or

(ii) because the person is a community policing volunteer;".

Page 4, delete lines 29 through 42.

Delete pages 5 through 7.

Page 8, delete lines 1 through 40.

Re-number all SECTIONS consecutively.

and when so amended that said bill do pass.

(Reference is to HB 1358 as introduced.)

LAWSON L, Chair

Committee Vote: yeas 11, nays 1.

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